

PATENT APPLN. NO. 10/784,468
RESPONSE UNDER 37 C.F.R. §1.111

**PATENT
NON-FINAL**

REMARKS

The claims have been amended to correct informalities and emphasize the differences between the wrapping packaging machine of the present invention and the wrapping devices of the prior art. The amendments find explicit or inherent support in the specification and drawings.

Claims 1-8 and 13-14 are objected to because of various informalities. First, the Office is requiring that "characterized" in the claims be changed to --comprising--.

Applicant respectfully submits that this requirement is not proper. Nothing in the rules or provisions of the MPEP of the USPTO and nothing in the statutes or case law prohibits the use of the terminologies "characterized" or "characterized in that" in the claims of United States patents. In fact, a database search for the terminologies "characterized" or "characterized in that" in the claims of United States patents shows that the terminologies are used in the claims of over 150,000 patents.

Second, the Office is requiring that one of the recitations "in that" in line 1 of claim 7 be deleted and that the term "selongated" in line 3 of claim 14 be corrected. These informalities have been corrected.

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In addition to these corrections, the claims have been amended to remove improper exemplary (i.e., "such as") and preferred (i.e., "preferably") recitations. (See, for example, the amendments to claims 1, 3, 5 and 14). New claims 16-19 have been added to the application to recite the embodiments deleted by the amendments to claims 1, 3 and 14.

The specification has been amended to correct the errors identified in the Action.

Claims 1, 3-8, and 13-14 are rejected in the Action under 35 U.S.C. 102(b) as being anticipated by Mauro (U.S. Patent No. 5,768,862). Claim 2 is rejected in the Action under 35 U.S.C. 103(a) as being unpatentable over Mauro in view of Araujo (U.S. Patent No. 6,520,445). Removal of these rejections is believed to be in order for the reasons explained below.

Mauro discloses a device having an endless ring with a toothed section on the outer surface of the ring. The wrapping film roll is attached to the ring, which is rotated by an electric motor. The structure is very common in the prior art and it differs completely from the invention of the present application.

In the present invention, a flexible elongated body is provided on a track. The flexible elongated body does not form an endless loop. The flexible elongated body is always only a part of

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the track. At least two stationary drive motors (or one motor and endless band) are used to move the flexible elongated body along the track.

The Office states that ring (12) in Fig. 1 of Mauro is an elongated body. This is not a correct interpretation of Fig. 1 of Mauro or the device of Mauro. In Fig. 1 of Mauro the ring (12), outer ring (11) and annular toothed track (31), all of which are endless, are merely shown as partially cross-sectioned for the sake of a better understanding of the device.

The Office also states that in Mauro there is "a flexible rod, band, chain or equivalent (Fig. 1; the toothed body looks more like a chain or equivalent)". (Action, lines 6-8 of the second full paragraph).

However, there is nothing in Mauro to indicate or suggest that any of the annular rings (12), (11) or (31) are a flexible rod, band, chain or equivalent flexible structure. In column 3, lines 27-29, Mauro discloses only that "[t]he rotating ring 12 has, at its outer side, a toothed section 14 which is kept engaged by an idle gear 15 mounted by the outer ring 11". Applicant respectfully submits that a person of ordinary skill in the art would understand this toothed section 14 to be made of steel or other rigid material

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and to be a solid part of the steel ring 12 in contact with the drive wheel (18) which is also, likely, made of steel.

Moreover, the statements in the Action regarding, inter alia, the limitations of claims 5, 6 and 7 are wholly unsupported by any teaching or suggestion in Mauro.

Notwithstanding that claim 1 in its original form is believed to distinguish over Mauro under 35 U.S.C. § 102, claim 1 has been amended herein to recite that the elongated body is a flexible elongated body having a length which is part of the length of the circumference of the track, and that there are at least two drive elements for moving the elongated body along the track.

For the above reasons, Mauro does not disclose each of the limitations of claim 1 and is insufficient to support a rejection of claim 1 and the claims dependent thereon for anticipation under 35 U.S.C. § 102.

Regarding the 35 U.S.C. § 103(a) rejection of claim 2 over Mauro in view of Araujo, claim 2 depends on claim 1 which has been shown to be patentable over Mauro. Claim 2, therefore, is prima facie patentable.

Removal of the rejections of the claims and a notice of allowability of the claims are believed to be in order and are respectfully solicited.

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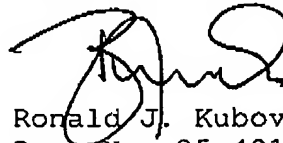
The foregoing is believed to be a complete and proper response to the Office Action dated June 28, 2005, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicant hereby petitions for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

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